

SEP 12 2018

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RODNEY GRANT SULLIVAN,

Defendant.

4:18CR766 RLW/JMB

INDICTMENT

COUNT I

The Grand Jury charges that:

At all times pertinent to the charges in this indictment:

1. Federal law defined the term

- (a) "minor" to mean any person under the age of eighteen years (18 U.S.C. § 2256(1));
- (b) "sexually explicit conduct" to mean actual or simulated--
 - (i) sexual intercourse, including genital-genital, anal-genital, oral-genital, oral-anal, whether between persons of the same or opposite sex,
 - (ii) bestiality,
 - (iii) masturbation,
 - (iv) sadistic or masochistic abuse, or
 - (v) lascivious exhibition of the genitals or pubic area of any person (18 U.S.C. §2256(2)(A));
- (c) "computer" to mean an electronic, magnetic, optical, electrochemical or

other high speed data processing device performing logical, arithmetic or storage functions, including any data storage facility or communications facility directly related to or operating in conjunction with such device.

(18 U.S.C. §2256(6));

(d) "child pornography" to mean any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where--

(A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; or

(C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. (18 U.S.C. §2256(8)).

2. The "Internet" was, and is, a computer communications network using interstate and foreign lines to transmit data streams, including data streams used to store, transfer and receive graphic files.
3. On September 10, 2010, defendant was charged by an Indictment in *State of Missouri v. Rodney G. Sullivan*, cause number 1011-CR04464, in the Eleventh Judicial Circuit, State of Missouri, with two counts of the Class C felony of sexual misconduct involving a child in violation Section 566.083, RSMo. Around November 8, 2010, defendant pleaded guilty to the charges, and around February 8, 2011, was sentenced to five years' imprisonment on each count to run concurrently with each other.
4. On or about April 1, 2017, to on or about May 4, 2018, within the Eastern District

of Missouri and elsewhere,

RODNEY GRANT SULLIVAN,

the Defendant herein, did knowingly possess material that contained an image of child pornography that was produced using materials that traveled in interstate and foreign commerce, to wit, a Samsung SM-J327P cell phone, said cell having been produced outside Missouri and therefore having traveled in interstate and foreign commerce, and said cell phone contained child pornography, including but not limited to, the following:

- a. 0b1f2f810793813.jpg, a graphic image file that depicts, in part, a prepubescent minor female in lascivious display of her genitals;
- b. 1349d2815460453.jpg, a graphic image file that depicts, in part, a prepubescent minor female in a lascivious display of her genitals; and
- c. 13f83b810739603.jpg, a graphic image file that depicts, in part, a prepubescent minor female in a lascivious display of her genitals;

In violation of Title 18, United States Code, Section 2252A(a)(5)(B).

A TRUE BILL.

FOREPERSON

JEFFREY B. JENSEN
United States Attorney

ROBERT F. LIVERGOOD, #35432MO
Assistant United States Attorney